

347—218.201(91D) Types of administrative employees.

218.201(1) *Exemption as administrative employee.* Three types of employees are described in 218.2(3) who, if they meet the other tests in rule 218.2(91D), qualify for exemption as “administrative” employees.

a. Executive and administrative assistants (the assistant to a proprietor or to an executive or administrative employee). Typical titles of persons in this group are executive assistant to the president, confidential assistant, executive secretary, assistant to the general manager, administrative assistant and, in retail or service establishments, assistant manager and assistant buyer.

b. Staff employees.

(1) Employees included are those who can be described as staff rather than line employees, or as functional rather than department heads. They include among others employees who act as advisory specialists to the management. Typical examples of advisory specialists are tax experts, insurance experts, sales research experts, wage-rate analysts, investment consultants, foreign exchange consultants, and statisticians.

(2) Also included are persons in charge of a so-called functional department, which may frequently be a one-person department. Typical examples are credit managers, purchasing agents, buyers, safety directors, personnel directors, and labor relations directors.

c. Those who perform special assignments.

(1) These are persons who perform special assignments, often away from the employer’s place of business. Typical titles of such persons are lease buyers, field representatives of utility companies, location managers of motion picture companies, and district gaugers for oil companies.

(2) This classification also includes employees whose special assignments are performed entirely or partly inside their employer’s place of business. Examples are special organization planners, customers’ brokers in stock exchange firms, so-called account executives in advertising firms and contact or promotion persons of various types.

218.201(2) *Job titles insufficient as yardsticks.*

a. The employees for whom exemption is sought under the term “administrative” have extremely diverse functions and a wide variety of titles. A title alone is of little or no assistance in determining the true importance of an employee to the employer or the employee’s exempt or nonexempt status.

b. The exempt or nonexempt status of any particular employee must be determined on the basis of the employee’s duties, responsibilities and salary.

218.201(3) *Academic administration.* Individuals engaged in the overall academic administration of an elementary or secondary school system include the superintendent or other head of the system and those assistants whose duties are primarily concerned with administration of matters as curriculum, quality and methods of instructing, measuring and testing the learning potential and achievement of students, establishing and maintaining academic and grading standards, and other aspects of the teaching program. In individual school establishments those engaged in academic administration include the principal, vice principals and department heads who are responsible for the operation of the school.

SOURCE: 29 CFR 541.201.